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ARGENTINA PROJECT (S200000044)

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[REDACTED] SECTION 1 OF 3 BUENOS AIRES 2737

E.O. 12065 GDS 4-4-85 (HARRIS, F. ALLEN) OR-P  
TAGS SHUM, AR  
SUBJECT (U) WEEKLY HUMAN RIGHTS ROUNDUP (APRIL 5, 1979)

REF: BUENOS AIRES 2501

PART I - NEW EVENT AND INDICATORS

1. (U) NEW YORK CITY BAR ASSOCIATION VISIT -----  
FIVE ATTORNEYS REPRESENTING THE BAR ASSOCIATION OF THE CITY  
OF NEW YORK AND THE AMERICAN BAR ASSOCIATION BEGAN A WEEK  
LONG INQUIRY INTO THE ARGENTINE HUMAN RIGHTS SITUATION ON  
APRIL 1. THE DELEGATION, WHOSE VISIT IS FINANCED BY THE  
ROCKEFELLER AND FORD FOUNDATIONS THROUGH GRANTS TO THE  
LAWYERS'S COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS, IS HEADED  
BY THE FORMER PRESIDENT OF THE NEW YORK CITY BAR ASSOCIATION,  
ORVILLE SCHELL. OTHER MEMBERS OF THE DELEGATION ARE: HAROLD  
[REDACTED]  
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HEALY, PRESIDENT-ELECT OF THE INTERNATIONAL UNION OF LAWYERS  
(IUA), JUDGE MARVIN FRANKEL, SCOTT GREATHEAD, AND STEPHEN KASS.

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ALTHOUGH THE GROUP HAD RECEIVED ASSURANCES IN WASHINGTON FROM ARGENTINE AMBASSADOR AJA ESPIL THAT THE GOA WOULD MAKE ARRANGEMENTS FOR THEM TO MEET WITH SENIOR GOVERNMENT OFFICIALS, NO APPOINTMENTS WERE MADE ON THEIR BEHALF. AMBASSADOR CASTRO MADE APPOINTMENTS FOR THE AMERICAN MEMBERS WITH GENERAL VIOLA, MINISTER OF JUSTICE RODRIGUEZ VARELA, SUPREME COURT PRESIDENT GABRIELLI, AND PRESIDENTIAL LEGAL ADVISOR COLONEL CERDA. OTHER ARRANGEMENTS FOR THE VISIT WERE MADE BY THE PERMANENT ASSEMBLY AND THE COLEGIO DE ABOGADOS (FACA). A COMPLICATING FACTOR WAS THE SIMULTANEOUS VISIT OF IUS PRESIDENT ZERFLUG, WHO WAS UNACCEPTABLE TO THE GOA ON GROUNDS OF HIS CORRESPONDENCE AND CONTACTS WITH THELIGA PARA LOS DERECHOS HUMANOS, AND ORGANIZATION LINKE TO THE ARGENTINE COMMUNIST PARTY. ZERFLUG'S VISITS WERE INDEPENDENTLY ARRANGED.

THE NEW YORK GROUP HAS ALSO HELD MEETINGS WITH AMBASSADOR CASTRO, THE DIRECTORS OF FACA, THE PERMANENT ASSEMBLY, BUENOS AIRES HERALD EDITOR ROBERT COX, CONSTITUTIONAL LAW EXPERT AND TIMERMAN'S ATTORNEY GENARO CARRIO, THE COLLEGE OF LAWYERS OF THE CITY OF BUENOS AIRES, A GROUP OF DEFENSE LAWYERS PLUS INDIVIDUAL MEETINGS WITH PROFESSIONAL LEGAL CONTACTS. THE GROUP IS SCHEDULED TO MEET WITH JEWISH COMMUNITY LEADERSHIP (DAIA), AND REPRESENTATIVES OF THE MOTHERS OF THE PLAZA DE MAYO.

AN APPOINTMENTS HAS BEEN REQUESTED WITH INTERIOR MINISTRY OFFICIALS, BUT HAS NOT AS YET BEEN ACCEPTED. ALTHOUGH THE LAWYERS HAVE MET WITH SOME FAMILY MEMBERS REGARDING INDIVIDUAL CASES (EG SARAGОВI), THE MAJOR FOCUS OF THEIR VISIT HAS BEEN DIRECTED TOWARDS THE LEGAL PROFESSION AND THE

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THRUST OF THEIR PRESENTATIONS HAS BEEN ON PROVIDING TRIALS UNDER ARGENTINE LAW OR RELEASING THE MANY EXECUTIVE DETAINEES PRESENTLY HELD BY THE ARGENTINE GOVERNMENT. AS OF WEDNESDAY (4/4), THE GROUP APPEARED PLEASED WITH THE RECEPTION GIVEN TO THEM BY THE GOA, THEIR LEGAL COLLEAGUES AND THE HUMAN RIGHTS GROUPS.

2. (U) RECENT DISAPPEARANCES-----

MRS. MARCELINA ARTOLA DE BARREIRO INFORMED THE EMBASSY ON APRIL 5 THAT HER SON, ROBERTO MARCELO BARREIRO WAS ABDUCTED AT CAMARONES AND TERRADA STREETS IN BUENOS AIRES ON MARCH 12, 1979 AND THAT MR. BARREIRO'S WIFE,

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MARIA ROSA PAREDES DE BARREIRO, WAS ALSO KIDNAPPED ON THAT SAME DAY ON CANDARCO AND CERVANTES STREETS AFTER LEAVING THE POLICE STATION WHERE SHE FILED A REPORT REGARDING HER HUSBAND'S ABDUCTION. MRS. BARREIRO HAS NO INFORMATION REGARDING THE WHEREABOUTS OF THE COUPLE. THE AMBASSADOR CALLED GENERAL VIOLA IMMEDIATELY UPON HEARING THIS REPORT, SEEKING OFFICIAL EXPLANATION.

3. [REDACTED] RUMORS OF POSTPONEMENT OF IACHR VISIT-----  
THE EMBASSY HAS RECEIVED NO ADDITIONAL REPORTS REGARDING THE POSSIBLE POSTPONEMENT OF THE IACHR VISIT TO ARGENTINA (SEE BUENOS AIRES 2593). THE REBUTTAL BY AN IACHR SPOKESPERSON WHICH WAS CARRIED ON THE AP WIRE QUENCHED THE RUMORS TRIGGERED BY LAST SUNDAY'S "LA NACION WEEKLY POLITICAL COLUMN THAT THE IACHR WAS CONSIDERING A POSTPONEMENT. MINISTER OF JUSTICE RODRIGUEZ VARELA IN HIS MEETING WITH THE NEW YORK CITY BAR DELEGATION TALKED ABOUT THE IACHR VISIT AS AN EVENT FIRMLY INSCRIBED ON THE ARGENTINE HUMAN RIGHTS CALENDAR. WE CONTINUE WITH OUR FINGERS CROSSED, BUT OUR EARS TO THE GROUND.

4. [REDACTED] ABRALES REPORTED DEAD-----  
THE WIFE OF FORMER PERONIST WRITER AND SUCCESSFUL BUSINESS-

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MAN, HECTOR FNU ABRALES (804-79-1) HAS INFORMED

HUMAN RIGHTS ORGANIZATIONS THAT HER HUSBAND HAS BEEN KILLED. MRS. ABRALES REPORTEDLY RECEIVED THIS INFORMATION FROM A RETIRED COLONEL WHO HAD BEEN AUTHORIZED TO INFORM THE FAMILY BY FIRST CORPUS AUTHORITIES. THE SOURCE SAID THAT IF ASKED, THE FIRST CORPS WOULD DENY THE REPORT. MR. ABRALES WAS ABDUCTED ON JANUARY 22, 1979 IN DOWNTOWN BUENOS AIRES AND HAS NO BEEN HEARD FROM SINCE.

5. [REDACTED] RIGHT OF OPTION DEVELOPMENTS-----

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THE MINISTRY OF INTERIOR IN AN UNUSUAL PRESS ANNOUNCE-  
MENT REPORTED THAT THE PEN PRISONER SITUATION WAS THE  
TOPIC OF A SPECIAL MARCH 29 MEETING OF THE MINISTER OF  
INTERIOR AND THE MEMBERS OF A SPECIAL COMMISSION WHICH  
REVIEWS THE REQUESTS FOR THE OPTION TO LEAVE THE  
COUNTRY.

IN REPOSE TO SEVERAL OF THE THIS EMBASSY'S INITIATIVES,  
THE MINISTRY OF INTERIOR HAS BEGUN TO DISTINGUISH IN ITS  
PERIODIC PEN PRISONER PRESS ANNOUNCEMENTS BETWEEN THOSE  
PERSONS WHOSE PEN STATUS HAS BEEN REMOVED AND WHO REMAIN  
IN PRISON UNDER JUDICIAL DETENTION AND THOSE WHO WILL  
BE FREED. MINISTRY OF INTERIOR DIRECTOR OF INTERNAL  
SECURITY SAN ROMAN HAD SUGGESTED TO EMBOFF RECENTLY THAT  
THE MINISTRY WOULD TAKE THIS STEP IN THE FUTURE. HOW-  
EVER, SAN ROMAN CONTINUES TO BE NON-COMMITTAL REGARDING  
PROVIDING THIS INFORMATION TO THE EMBASSY FOR PAST PEN  
REMOVAL CASES.

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6. (U) SENTENCES ANNOUNCED-----

A NUMBER OF SENTENCES HAVE BEEN HANDED DOWN BY JUDICIAL  
AUTHORITIES IN 1979 AGAINST PERSONS ACCUSED OF TERRORIST  
OR SUBVERSIVE ACTIVITIES. SEVENTEEN SUCH DECISIONS AND  
ON ACQUITTAL HAVE BEEN ANNOUNCED BY COURT IN THE CITY

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AND PROVINCE OF BUENOS AIRES. THERE HAVE BEEN FIVE CASES IN ROSARIO AND THREE IN SANTA FE. IN ALL THE CASES IN WHICH THERE IS DETAILED INFORMATION, THE PERSONS WERE ARRESTED AND INDICTED PRIOR TO THE MILITARY TAKEOVER IN MARCH 1976.

7. [REDACTED] CONAREPA INFORMATION REQUEST-----  
ON MARCH 24, THE NATIONAL COUNCIL OF THE COMMISSION OF PATRIMONIAL RESPONSIBILITY PUBLISHED AN OFFICIAL ANNOUNCEMENT REQUESTING THOSE PERSONS WHO HAD RECEIVED POSSESSIONS FROM A LIST OF PERSONS BEING INVESTIGATED UNDER THE ACTA INSTITUCIONAL TO CONTACT THE COMMISSION WITHIN 30 DAYS. INCLUDED ON THE LIST WERE JACOBO TIMERMAN, MEMBERS OF THE GELBARD AND GRAIVER FAMILIES, FORMER PRESIDENT CAMPORA AND MANY FORMER PERONIST GOVERNMENT OFFICIALS. THIS IS THE FIRST INDICATION THIS YEAR THAT THE CONAREPA IS ACTIVELY WORKING ON THESE CASES.

8. [REDACTED] HRO ACTIVITIES: FURTHER RESUME OF RECENT ACTIVITIES-----

[REDACTED] MOTHERS OF THE PLAZA DE MAYO-----  
THE FOUR MOTHERS OF THE PLAZA DE MAYO WHO RECENTLY TRAVELED TO THE LATIN AMERICAN BISHOPS CONFERENCE IN PUEBLA, MEXICO AND THEN ON TO WASHINGTON AND NEW YORK, MET WITH AMBASSADOR CASTRO ON MARCH 30 TO REPORT ON THEIR TRIP. THE MOTHERS RECOUNTED THEIR EXTENSIVE MEETINGS IN THE US WITH ADMINISTRATION, CONGRESSIONAL,  
[REDACTED]  
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UNITED NATIONS, CHURCH AND HUMAN RIGHTS OFFICIALS. THE MOTHERS CHARACTERIZED THEIR RECEPTION IN THE UNITED STATES AS ONE OF GREAT WARMTH AND CONCERN. THE GOVERNMENT CONTINUES TO PROHIBIT USE OF THE

PLAZA DE MAYO ON THURSDAY AFTERNOONS TO THE MOTHERS. THE MOTHERS HAVE ADOPTED THE PRACTICE OF MEETING IN A DIFFERENT CHURCH AT 5:00 PM EACH THURSDAY TO SAY A ROSARY TOGETHER FOR THE REAPPEARANCE OF THEIR CHILDREN. AT THE CONCLUSION OF THEIR PRAYERS, THE MOTHERS HOLD A SHORT INFORMAL INFORMATION SESSION, DECIDE ON THE SITE OF THE NEXT WEEK'S MEETING AND THEN FILE OUT OF THE CHURCH TOGETHER, GENERALLY TO A NEARBY PLAZA WHICH THEY CIRCLE ONCE OR TWICE IN A SILENT DEMONSTRATION FOR THEIR DISAPPEARED CHILDREN.

[REDACTED] PERMANENT ASSEMBLY ACTIVITIES-----

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THE ARGENTINE PERMANENT ASSEMBLY IS CONTINUING ITS EFFORTS TO DOCUMENT DISAPPEARANCE AND DETENTION CASES FOR PRESENTATION TO THE IACHR. ASSEMBLY MEMBERS HAVE EXPRESSED SATISFACTION TO THE EMBASSY OVER THE WIDE PUBLICITY AND LACK OF GOA DISAVOWAL OF ITS RECENTLY PUBLISHED LIST OF 4,497 DISAPPEARANCE CASES (SEE BUENOS AIRES 2592 RE ACCEPTANCE OF LIST BY MINISTRY OF FOREIGN AFFAIRS (XQUAYCIAL ARLIA)).

(U) JOURNALISTS HRO FORMED-----TH/BVOS--CALLED THE "SUBCOMISION DE FAMILIARES DE PERIDISTAS DESAPARECIDOS Y DETENIDOS." WAS ANNOUNCED IN THE PRESS DURING TWJ-4\$8, & 61 ARGENTINE JOURNALISTS WHO HAVE DISAPPEARED OR BEEN DETAINED OVER THE PAST SEVERAL YEARS.

FDD ACTIVITIES-----  
THE FDD IS UNDERTAKING AN INITIATIVE TO PETITION THE IACHR MEMBERS UPON THEIR ARRIVAL IN ARGENTINA IN LATE MAY. THE PETITION WILL REQUEST REESTABLISHMENT OF NORMAL POLICE AND JUDICIAL PRACTICES (GUARANTEES), TRIAL OR FREEDOM FOR THE PEN PRISONERS, IMPROVED PRISON

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CONDITIONS, AND CLARIFICATION OF THE STATUS OF THE DISAPPEARED.

THE FDD SENT A FIVE PERSON DELEGATION TO THE RE-RENT PUEBLA CONFERENCE. THE FDD MEMBERS REPORTEDLY MET WITH 43 OF THE BISHOPS ATTENDING THE CONFERENCE AND MADE NUMEROUS PRESS CONTACTS.

REGIONALS HRO'S-----

IN MARCH A HUMAN RIGHTS ORGANIZATION WAS ORGANIZED IN LA PLATA, THE CAPITAL OF THE PROVINCE OF BUENOS AIRES AND ONE OF THE MAJOR AREAS OF THE GOVERNMENT'S ANTI-SUBVERSION PROGRAM. AN ORGANIZATIONAL COMMITTEE IS AT WORK AND ISQS HAVE BEEN ESTABLISHED WITH THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS. THE ORGANIZATION'S LEADERSHIP ESTIMATE THAT THERE HAVE BEEN A TOTAL OF ABOUT 1,500 DISAPPEARANCE REPORTS FROM THE CITY OF LA PLATA. ANOTHER HUMAN RIGHTS ORGANIZATION HAS BEEN OPERATING IN MAR DEL PLATA. TWO MASSES HAVE BEEN HELD IN

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1979 COMMEMORATING THE DISAPPEARED. A GROUP OF 15 TO 25 MOTHERS HAVE BEEN MEETING IN THE PLAZA SAN MARTIN EACH THURSDAY AFTERNOON SINCE NOVEMBER, 1978. IN ADDITION, 60 TO 70 FAMILY MEMBERS OF DESAPARECIDOS MEET ON SUNDAYS AT THE CAPILLA SANTA ANA. ANOTHER HUMAN RIGHTS GROUP CALLED FAMILIARES DE DESAPARECIDOS DELANUS RAN A PAID ADVERTISEMENT IN "LA PRENSA" ON MARCH 10. LANUS IS A SOUTHERN SUBURB OF BUENOS AIRES.

9. [REDACTED] REACTION TO UNHCR MEETING-----  
HUMAN RIGHTS ACTIVISTS HAVE EXPRESSED DISAPPOINTMENT TO THE EMBASSY THAT THE MARCH MEETING OF UNITED NATIONS HUMAN RIGHTS COMMISSION IN GENEVA FAILED TO PASS A RESOLUTION REGARDING ARGENTINA. THOSE CONTACTS NOTED THAT THE HUMAN RIGHTS SITUATION IN ARGENTINA WAS CONSIDERABLY WORSE THAN OTHER COUNTRIES WHICH HAD  
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BEEN THE FOCUS OF UNHCR'S ATTENTION. AUSTRALIAN EMBASSY DCM ALSO EXPRESSED DISAPPOINTMENT AT FAILURE OF THE USG TO SUPPORT THE AUSTRALIAN-CANADIAN INITIATIVE.

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10. UPDATE ON IMPORTANT CASES-----

HORACIO SARAGOVİ DETENTION (269-78-1)-----

MRS. SARAGOVİ CALLED AT THE EMBASSY ON MARCH 23 TO SEEK EMBASSY ASSISTANCE REGARDING THE COMMUTATION OF THE MILITARY SENTENCE ISSUED AGAINST HER SON IN NOVEMBER, 1976. MRS. SARAGOVİ REPORTED THAT THE SUPREME COURT ON DECEMBER 9, 1978 REFUSED TO ACCEPT JURISDICTION ON PROCEDURAL GROUNDS OF HER APPEAL ALLEGING A NUMBER OF IRREGULARITIES IN THE MILITARY TRIAL OF HER SON. MRS. SARAGOVİ FILED A FORMAL COMMUTATION PETITION ON MARCH 9, 1979 AND HAS BEEN MEETING WITH OFFICIALS IN THE ARGENTINE GOVERNMENT TO GAIN SUPPORT FOR ITS ACCEPTANCE.

-- DISAPPEARANCE OF ANTONIO EDUARDO CZAINIK (225-77-11) --  
MR. DAVID CZAINIK, SUBJECTS FATHER, MET WITH AMBASSADOR CASTRO ON FEBRUARY 20 TO DISCUSS HIS SON'S DISAPPEARANCE AND TO INFORM THE AMBASSADOR THAT HE HAS RECEIVED INFORMATION THAT HIS SON IS BEING DETAINED SECRETELY BY THE SIDE. AMBASSADOR CASTRO UNDERTOOK TO RAISE CZAINIK'S CASE WITH GOA OFFICIALS.

-- THE LOKMAN CASE (90-78-11)-----

THE DECISION ON MARCH 29 BY THE FEDERAL COURT OF CRIMINAL APPEALS IN CORDOBA DENYING ALL FOUR COMPLAINTS CONTAINED IN THE HABEAS CORPUS PETITION FILED ON BEHALF OF MAIME LOKMAN RECEIVED WIDE PRESS COVERAGE BOTH IN THE CORDOBA PROVINCIAL NEWSPAPERS AND IN THE NATIONAL PRESS. (SEE H PASS SEPTELS FOR DETAILES DISCUSSION OF ECISION.) THE CORDOBA COURTS' DECISION IS THE FIRT UNANIMOUS COURT OF APPEALS DECISION IN A HABEAS CORPUS CASE SINCE THE

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SUPREME COURT ISSUED ITS SERIES OF DECISIONS IN THE YANEZ ET AL CASES. (SEE BUENOS AIRES 2501, PARA 3). THE CORDOBA APPEALS COURT OFFERED NARROW INTERPRETATION OF THE ZAMARANO SUPREME COURT DECISION, STATING THAT ASSERTIVE AND UNEQUIVOCAL AFFIRMATIONS FROM THE EXECUTIVE THAT A PERSON IS LINKE WITH SUBVERSION, OBLIGATES THE JUDICIAL POWER TO RESPECT THE RESEVED SPHERE OF THE POLITICAL POWER AND NOT SUBJECT SUCH DECISIONS TO JUDICIAL REVIEW DURING PERIOS OF STATE OF SIGE. IN ADDITION TO THIS CLEAR STATEMENT OF THE SEPARATION OF POWER DOCTRINE, THE COURT ADDED THAT LINKS WITH SUBVERSION COUL NOT ALWAYS BE PROVEN IN THE CONVINCING FORM THAT THE JUDICIAL PROCESS REQUIRED AND IN SUCH CASES THE EXECUTIVE WAS ENTITLED TO CON-TINUE THE DETENTION OF DANGEROUS PERSONS BY VIRTUE

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OF ITS CONSTITUTIONAL STATE OF SIEGE POWERS.  
BUENOS AIRES EDITOR ROBERT COX REPORTED TO THE  
EMBASSY THAT HE HAD RECEIVED A PHONE CALL FROM THE  
MINISTRY OF INTERIOR ASKING THAT THE HERALD CEASE ITS CAMPAIGN  
ON BEHALF OF JAIME LOKMAN'S RELEASE.

11. (U) VILLA DEVOTO PRISON RIOT INVESTIGATION  
CONTINUES-----

IN MID-FEBRUARY THE SUPREME COURT RULED THAT  
FEDERAL JUDGE VALERGA MUST CONTINUE PROBING INTO THE MARCH 14,  
1978 VILLA DEVOTO PRISON RIOT IN WHICH 70 INMATES  
DIED AND ANOTHER 70 WERE INJURED\*? JUDGE VALERGA AND  
JUDGE RIVAROLA. JUDGE RIVAROLA MADE A PRELIMINARY  
INVESTIGATION EARLY IN 1978 AND ANNOUNCED THAT NONE  
OF THE VICTIMS HAD DIED FROM GUNSHOT FIRED BY THE  
GUARDS. IN MAKING THAT DECISION, JUDGE RIVAROLA DECIDED  
THAT FURTHER INVESTIGATION DID NOT COME WITHIN HIS  
JURISDICTION AS A FEDERAL JUDGE AND HE PASSED THE  
DOSSIER TO HIS COLLEAGUE, JUDGE VALERGA,  
WHO DECLINED TO CONTINUE THE PROBE. THE SUPREME COURT  
HAS NOW PUT AN END TO A CONTROVERSY, THE BASIS OF WHICH  
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HAS NOT BEEN MADE CLEAR.

12. (U) PRISON RELEASE HOUR CHANGED-----

IN LATE JANUARY THE MINISTRY OF JUSTICE FORMALIZED A  
CHANGE IN THE ARGENTINE PENAL CODE REGARDING THE HOUR  
FOR RELEASING FEDERAL PRISONERS AT THE CONCLUSION OF  
THEIR SENTENCE. PREVIOUSLY, PRISONERS WERE RELEASED  
AT MIDNIGHT THE DAY THEIR SENTENCE EXPIRED. IN  
FEBRUARY AND MARCH, 1978, FOUR PRISONERS WHO WERE  
JUDICIALLY FREED FROM LA PLATA PRISON DISAPPEARED  
IMMEDIATELY AFTER THEIR MIDNIGHT RELEASE. THIS LED TO  
A MOVEMENT BY THE "FREED PRISONERS' LEAGUE" TO CHANGE  
THE CRIMINAL PROCEDURAL CODE TO ALLOW PRISONERS TO  
BE RELEASED AT MIDDAY INSTEAD OF MIDNIGHT. THIS MEASURE  
HAS NOW BEEN ADOPTED BY BOTH THE FEDERAL GOVERNMENT  
AND BY THE PROVINCIAL PRISON SYSTEM IN BUENOS AIRES.  
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